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Attorneys for Defendants

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VERONICA MASTEN, individually
and on behalf of all other persons
similarly situated, and on behalf of the
general public,

Plaintiff,

v.

STERLING JEWELERS, INC., an
Ohio corporation, SIGNET
JEWELERS, LTD; a foreign
corporation, and Does 1 through 30,
inclusive;

Defendants.

Case No. 2:17-cv-04436-DSF-JEM

CLASS ACTION

**STIPULATION FOR VOLUNTARY
DISMISSAL WITHOUT
PREJUDICE PURSUANT TO FED.
R. CIV. P. 41(a)(1)(A)(ii)**

Complaint Filed: May 12, 2017

Date of Removal: June 14, 2017

Judge: Hon. Dale S. Fischer

STIPULATION

This Stipulation is made and entered into pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, by and between Plaintiff VERONICA MASTEN, individually and on behalf of all others similarly situated (“Plaintiff”), and Defendants STERLING JEWELERS, INC.¹ and SIGNET JEWELERS, LTD (“Defendants”) (collectively, the “Parties”), by and through their respective counsel, with reference to the following.

1. WHEREAS, Plaintiff filed this class action lawsuit on May 12, 2017 against Defendants, alleging various violations of the California Labor Code and the California Business and Professions Code;

2. WHEREAS, Plaintiff no longer wishes to pursue this class action and now seeks a dismissal of this action, without prejudice;

3. WHEREAS, under Federal Rules of Civil Procedure, Rule 41, subdivision (a)(1)(A)(ii), a “plaintiff may dismiss an action without a court order by filing ... a stipulation of dismissal signed by all parties who have appeared.”

4. WHEREAS, all Parties to this action stipulate to dismissal of this action without prejudice;

5. WHEREAS, in the class action context, Rule 23, subdivision (e), of the Federal Rules of Civil Procedure provides that “[t]he claims, issues, or

¹ Sterling Jewelers, Inc. is not an Ohio corporation. It is a Delaware corporation.

1 defenses of a **certified** class may be ... voluntarily dismissed ... only with the
2 court's approval" (emphasis added). See *Diaz v. Trust Territory of Pacific*
3 *Islands*, 876 F.2d 1401, 1408 (9th Cir. 1989) ("The court's duty to inquire into a
4 settlement or dismissal differs before and after certification. Before certification,
5 the dismissal is not *res judicata* against the absent class members and the court
6 does not need to perform the kind of substantive oversight required when
7 reviewing a settlement binding upon the class." (emphasis in original));

10 6. WHEREAS, here, no class has been certified and no motion for class
11 certification is pending. In addition, Plaintiff has not previously dismissed an
12 action based on or including the same claims as presented in this instant action;
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1 IT IS HEREBY STIPULATED, by and between the Parties, through their
2 undersigned counsel, that the above-entitled action is voluntarily dismissed, in its
3 entirety, without prejudice. The Parties stipulate that each party shall bear its own
4 costs and attorneys' fees.
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6 DATE: December 18, 2017

BERENJI LAW FIRM, APC

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8 By: /s/ Oscar A. Bustos

9 SHADIE L. BERENJI
10 OSCAR A. BUSTOS²
Attorneys for Plaintiff

11 DATE: December 18, 2017

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

13 By: /s/ Tim L. Johnson

14 SPENCER C. SKEEN
15 TIM L. JOHNSON
16 Attorneys for Defendants
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26 _____
27 ² I attest that all other signatories listed, and on whose behalf the filing is
28 submitted, concur in the filing's content and have authorized the filing.